

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DOV LOWENBEIN,

Plaintiff,

v.

RETRIEVAL MASTERS CREDITORS
BUREAU, INC.,

Defendant.

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Case No. 1:11-cv-06051-DLI-RER

ANSWER

The defendant, Retrieval-Masters Creditors Bureau, Inc. ("Retrieval-Masters"), by and through the undersigned counsel, for its Answer to the Complaint herein, hereby denies each and every averment, except as expressly stated below, as follows:

1. Admits that plaintiff purportedly seeks relief under the FDCPA from the defendant, denies liability thereunder and otherwise denies the allegations of this Paragraph 1.

2. Defendant has insufficient information and knowledge to form a belief as to the truth of the allegations of this Paragraph 2 and therefore denies the same and leaves the plaintiff to his proof.

3. Admits.

4. Admits.

5. Admits.

6. Admits.

7. Defendant has insufficient information and knowledge to form a belief as to the truth of the allegations of this Paragraph 7 and therefore denies the same and leaves the plaintiff to his proof.

8. Admits that a collection letter was sent into this district and that venue is proper, and otherwise denies the allegations of this Paragraph 8.

9. Defendant has insufficient information and knowledge to form a belief as to the truth of the allegations of this Paragraph 9 and therefore denies the same and leaves the plaintiff to his proof.

10. Admits that someone purporting to be the plaintiff called the defendant on October 31, 2011 and otherwise denies the allegations of this Paragraph 10.

11. Admits that in the conversation reference in Paragraph 10, a person purporting to be the plaintiff asserted a generalized dispute with respect to the amount allegedly owed and otherwise denies the allegations of this Paragraph 11.

12. Denies.

13. Denies.

14. This paragraph merely sets forth arguments of law that do not require a response. To the extent a response is required, denies that this paragraph correctly or completely sets forth the relevant law.

15. Denies.

16. Denies.

17. Denies.

18. Denies.

19. Denies.

20. Denies.

21. Denies.

22. Denies.

23. Defendant has insufficient information and knowledge to form a belief as to the truth of the allegations of this Paragraph 23 and therefore denies the same and leaves the plaintiff to his proof.

24. Defendant has insufficient information and knowledge to form a belief as to the truth of the allegations of this Paragraph 24 and therefore denies the same and leaves the plaintiff to his proof.

25. Denies.

26. Denies.

27. Defendant repeats and realleges the answers to Paragraphs 1 through 26 of the Complaint as its answers to this Paragraph 27 as though fully set forth herein.

28. Admits.

29. Denies that the class definition in this Paragraph 29, or that class treatment of this matter, is appropriate.

30. Denies.

31. Denies.

32. Defendant has insufficient information and knowledge to form a belief as to the truth of the allegations of this Paragraph 32 and therefore denies the same and leaves the plaintiff to his proof.

33. This paragraph merely sets forth arguments of law that do not require a response. To the extent a response is required, denies that this paragraph correctly or completely sets forth the relevant law.

34. Denies.

35. Denies.

FIRST AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, because the Complaint fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiff's claims are barred to the extent that any violation of the FDCPA was unintentional, resulting from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid such error.

WHEREFORE, the defendant requests that the plaintiff's Complaint be dismissed with prejudice and that the court grant defendants such other relief as may be required by the interests of justice, including without limitation, costs of defense, including a reasonable attorney fee.

Date: April 16, 2012

THE DEFENDANT
RETRIEVAL-MASTERS CREDITORS
BUREAU, INC.

By: _____/s/_____
Jonathan D. Elliot

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Its Attorneys

CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2012, a copy of the foregoing was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system [or by mail to anyone unable to accept electronic filing]. Parties may access this filing through the Court's system.

_____/s/
Jonathan D. Elliot